

The DFE have sent the following guidance in relation to protected status for those pupils with eligibility for free school meals (FSM). Please note the LA has addressed all errors in maintained schools that relate to FSM as a result of the changes mentioned below and all errors have been resolved. Academy Schools may need to login to Collect and check if the changes to FSM eligibility has resulted in any errors and may need to amend details for those pupils as per the guidance below. For academy schools using North Yorkshire to check the FSM claims please check the SAM module.

## DFE state

### ‘IMPORTANT INFORMATION ABOUT FREE SCHOOL MEALS

Please note, the following applies to all local authorities and not only those authorities currently in the process of rolling out the universal credit.

There still seems to be some confusion around the recording of FSM eligibility. To clarify, following the introduction of universal credit on 1 April 2018, a pupil's FSM status will be protected until the end of the universal credit roll out period i.e. 31 March 2022, or until their phase of education at that time ends.

This means that:

- any claimant who is in receipt of free school meals after 31 March 2018 should continue to receive free school meals until the end of the universal credit roll out period or their phase of education at that time ends. This applies even if their circumstances change and they would no longer meet the eligibility criteria
- any claimant who gains eligibility for free school meals from 1 April 2018 will continue to receive free school meals until the end of the universal credit rollout period or their phase of education at that time ends. This applies even if their circumstances change and they would no longer meet the eligibility criteria

### FSM end dates

As previously advised, it is not expected that FSM end dates will be entered by schools during the transitional period – with exceptions being:

- where a parent has been informed of the FSM protection and they have still indicated that they do not wish the child to be recorded as FSM eligible and receive a free school meal
- where a pupil transfers from another UK country – their non-English FSM must have an FSM end date

In addition, we can also confirm that for those claimants who qualify through support under the Immigration & Asylum Act 1999 or the guarantee element of the Pension Credit, their benefit(s) **will not** be replaced by universal credit and therefore the pupil's FSM entitlement **will not** be protected. They will only be entitled to a free school meal as long as they retain the benefit. In such cases where the parent has notified the school that these benefits have ended we would expect an FSM end date to be returned on the census.

Where a parent has stated that they no longer wish their child to receive a free school meal, an end date must be returned and a suitable notepad entry provided. This should clearly indicate that though the parent/s have been informed that the FSM is protected, they wish to cancel their claim. Please do not confuse a parent's request to end a free school meal claim with a change in their circumstances which are now protected.

If a pupil has transferred from another UK country – their non-English FSM period must be ended and the parent should make a new claim. In such cases the FSM end date must be provided and the UK country should reflect the correct UK country code.

### **Moving schools and local authorities**

If a pupil who was eligible for free school meals after the 31 March 2018 transferred from another school either within the same local authority or moved from another English local authority, the parents do not need to re-apply for a free school meal; such pupils are protected and the information should have been returned on the common transfer file (CTF). If the previous school ended the FSM and returned a FSM end date of the 1 April 2018 or later this should be removed as the pupil's FSM is protected, unless the reason for the ending of the FSM is one of the above, in which case a notepad entry should be provided on the school census return.

### **FSM periods incorrectly recorded**

Where pupils have been incorrectly recorded as FSM eligible please do not enter an FSM end date to end the period. In these cases the FSM record should be removed altogether. As incorrect recording of FSM eligibility impacts on pupil premium funding, the department must be notified of such cases.

### **School meal reimbursement**

Where schools have entered FSM end dates (1 April 2018 and later) for pupils whose FSM is now protected and the school have charged the parent/s for a school meal, we have now been advised by our lawyers that schools should be prepared to reimburse parents. The department would hope that parents would resolve this through the complaints procedure rather than attempting to issue proceedings against the school.

### **Action**

To assist schools we introduced a new query 1767 and therefore all schools, **including those previously authorised** will need to check their returns and take the appropriate action to resolve the query. If schools who were previously authorised have not triggered this query no further action is required.

Thank you for your support and cooperation

Kind regards

**Education Data Division Helpdesk**

 Department for Education